



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

## **DELIVERY CONFIRMATION**

May 14, 2013

Thomas DeWeese  
Bedford Anodizing Company  
7860 Empire Parkway  
Macedonia, OH 44056

**RE: *BEDFORD ANODIZING CO., OHD987034584, SUMMIT COUNTY, NOV-PRTC***

Dear Mr. DeWeese:

On April 11, April 17 and May 1, 2013, this writer, representing Ohio EPA's Division of Materials and Waste Management (DMWM), visited Bedford Anodizing Company (BAC), located at 7860 Empire Parkway in Macedonia, Ohio. The purpose of these visits was to follow up on previously identified violations as originally cited in DMWM's June 1, 2011 Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. In addition, DMWM assessed BAC's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). BAC was represented by you.

DMWM received the following information from BAC:

- On June 18, 2012, BAC submitted its response to DMWM's May 15, 2012 NOV-PRTC letter; and
- On May 7, 2013, BAC submitted waste evaluation analytical results and off-site waste shipment documentation.

The following is the status of the violations appearing in DMWM's June 1, 2011 NOV/PRTC letter:

1. OAC rule 3745-52-11, Waste Evaluation:
  - A. This violation was previously abated.
  - B. This violation was previously abated.
  - C. The contents of 12, 55-gallon plastic drums identified as Phosphoric Acid Brite Dip Waste. On May 7, 2013, BAC submitted waste evaluation results concerning these wastes. The results did not exceed the regulatory levels established for a characteristic hazardous waste. These wastes were shipped off-site to a permitted hazardous waste facility on January 14, 2013. Based on submitted documentation, this violation has been adequately abated.

D. This violation was previously abated.

E. This violation was previously abated.

In addition, violations two, three and four appearing in DMWM's June 1, 2011 NOV/PRTC letter were previously abated.

The following is the status of the violations appearing in DMWM's May 15, 2012 NOV/PRTC letter:

1. Establishment of an Unpermitted Hazardous Waste Storage Facility, ORC § 3734.02(E)&(F)

BAC accumulated hazardous waste that was generated on-site for greater-than-ninety (>90) days. Specifically, 440-gallons of stannous sulfate hazardous waste (D007) was accumulated on-site for 349 days. The stannous sulfate was subsequently shipped off-site to a permitted hazardous waste management facility on February 24, 2012. No further information is requested at this time.

2. Waste Evaluation, OAC rule 3745-52-11: Any person who generates a waste must evaluate that waste to determine if it is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

BAC failed to evaluate the following wastes:

- A. The contents of 15, 55-gallon plastic drums identified as Lot 1-Alkali Waste. On May 7, 2013, BAC submitted waste evaluation results concerning these wastes. The results did not exceed the regulatory levels established for a characteristic hazardous waste. Based on submitted documentation, this violation has been adequately abated.
- B. The contents of 20, 55-gallon plastic drums identified as Lot 2-Alkali Waste. On May 7, 2013, BAC submitted waste evaluation results concerning these wastes. The results did not exceed the regulatory levels established for a characteristic hazardous waste. These wastes were shipped off-site to a permitted hazardous waste facility on January 16, 2013. Based on submitted documentation, this violation has been adequately abated.
- C. The contents of nine, 55-gallon plastic drums identified as Lot 3-Acid Waste.
- D. The contents of 23, 55-gallon plastic drums identified as Lot 4-Alkali Waste.

To abate this violation, BAC must submit waste evaluation information, developed in accordance with OAC rule 3745-52-11, for the wastes identified as Lot 3 – Acid Waste and Lot 4 – Alkali Waste. Additionally, please identify how the wastes will be managed and disposed.

3. Labeling Hazardous Waste Accumulation Containers, OAC rule 3745-52-34(A)(3): This violation was previously abated.
4. Required Equipment, OAC rule 3745-65-32(C)
5. Testing & Maintenance of Emergency Equipment, OAC rule 3745-65-33
6. Personnel Training, OAC rule 3745-65-16(A)(B)(C)(D)(1-4)
7. Content of Contingency Plan, OAC rule 3745-65-52(A)(C)(D)(E)(F)
8. Inspections of Containers, OAC rule 3745-66-74

Violations four through eight (OAC rules 3745-65-32(C), 3745-65-33, 3745-65-16(A)(B)(C)(D)(1-4), 3745-65-52(A)(C)(D)(E)(F) and 3745-66-74): Due to the amount of unevaluated waste present at the BAC facility, BAC's hazardous waste generator status cannot be confirmed. This violation will remain unabated until BAC demonstrates that it is not subject to the aforementioned hazardous waste regulations based on its hazardous waste generator status.

9. OAC rule 3745-270-07(A)(2), LDR Requirements: This violation was previously abated.

Based on the April 11, April 17 and May 1, 2013 inspections, Ohio EPA identified the following violations:

1. Establishment of an Unpermitted Hazardous Waste Disposal Facility, ORC § 3734.02(E)&(F): No person shall store, treat or dispose of hazardous waste identified or listed under this chapter and rules adopted under it...except at a hazardous waste facility operating under a permit.

On April 11, 2013, DMWM documented that liquid waste was being released from the facility at the exterior, northeast corner of the building. In addition, DMWM collected samples of the released waste. DMWM's analytical results demonstrated that the released waste exhibited a pH of 13.3 which exceeded the applicable hazardous waste regulatory level for a corrosive hazardous waste as defined in OAC rule 3745-51-22. The released waste was observed entering a drainage ditch which leads to Brandywine Creek.

As documented during the inspections on April 17 and May 1, 2013, high pH liquid waste continues to be released from the facility. BAC has been advised by Ohio EPA's DMWM, Division of Surface of Water (DSW) and Emergency Response Section (ERS) to eliminate and clean up the released waste (see attached Notice of Violations dated April 15 and April 18, 2013). BAC must implement corrective actions to eliminate and clean up the released waste. Submit a description of corrective actions taken to eliminate and clean up the released waste.

Due to the unlawful establishment and operation of a hazardous waste facility, you are subject to conducting closure at the facility, pursuant to OAC rules 3745-55-10 through 3745-55-20. Closure is the cleanup procedure for all areas where hazardous waste has been stored or disposed. Generally, closure activities entail the following: removing and management of all waste and residues, removing or decontaminating contaminated equipment and structures, remediating contaminated soils and groundwater if necessary, and managing all wastes generated from these activities in accordance with the hazardous waste laws. Furthermore, the closure process requires the submittal and approval of a closure plan which ensures that the closure performance standards set forth in OAC rule 3745-55-11 are met. The closure performance standards require removal and remediation of any contamination in these areas to prevent it from posing a risk to human health and the environment. The closure plan is normally prepared in accordance with Ohio EPA's Closure Plan Review Guidance for RCRA Facilities. If you have questions concerning the closure process, please contact me.

Since you have violated ORC § 3734.02(E)&(F), your facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55. Additionally, at any time, Ohio EPA may assert its right to have you begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

2. Waste Evaluation, OAC rule 3745-52-11

A. BAC failed to evaluate the following wastes:

- 1) The contents of approximately 6, 55-gallon plastic drums identified as Alkali Waste generated in March 2012;
- 2) The contents of approximately 45, 55-gallon plastic drums identified as Alkali Waste generated in January and February 2013; and
- 3) The contents of approximately 49, 55-gallon plastic drums identified as Alkali Waste generated in April 2013;

To abate this violation, BAC must submit waste evaluation information, developed in accordance with OAC rule 3745-52-11, for the aforementioned wastes. Additionally, please identify how the wastes will be managed and disposed.

- B. BAC has asserted that the spent acid and spent alkali are not waste since they are being recycled by or used as a substitute for a commercial chemical product. Please note that the spent acid and spent alkali are normally spent materials as defined in OAC rule 3745-51-01(C)(1). You were previously advised that in order for BAC's spent acid and spent alkali to maintain its non-waste status due to its use as substitute for a commercial chemical product (i.e., pH adjustment), BAC must be able to demonstrate they are not speculatively accumulating the spent acid and spent alkali pursuant to OAC rule 3745-51-01(C)(8).

In January 2012, BAC provided documentation that 15,020-gallons of spent acid and 5,700-gallons of spent alkali were present at the facility. Based on DMWM's inspection on April 17, 2013, BAC failed to demonstrate that at least 75% of the spent acid and spent alkali accumulated at the beginning of the 2012 calendar year was recycled within the 2012 calendar year. Furthermore, BAC has accumulated approximately 20,215-gallons of spent acid and 21,725-gallons of spent alkali at the time of the April 17, 2013 inspection.

Pursuant to OAC rule 3745-51-02(E)(2)(c), spent materials (i.e., spent acid and spent alkali) that are accumulated speculatively are subject to hazardous waste requirements including OAC rule 3745-52-11, waste evaluation. BAC must evaluate the contents of all tanks containing spent acid and spent alkali.

To abate this violation, BAC must submit waste evaluation information, developed in accordance with OAC rule 3745-52-11, for the aforementioned wastes. Additionally, please identify how the wastes will be managed and disposed. Please find attached an inventory of the wastes present at the BAC facility.

Should the waste evaluation reveal that the spent acid and/or spent alkali are a hazardous waste, BAC must comply with the applicable hazardous waste regulations unless the waste or the units storing the waste are specifically exempted. Waste management unit exemptions may include a wastewater treatment unit (see OAC rules 3745-50-10(A)(35), 3745-54-01(G)(6) and 3745-65-01(C)(10)) or in an elementary neutralization unit (see OAC rules 3745-50-10(A)(151) and 3745-50-45(C)(5)). However, if at any point the waste or the unit loses its exempt status, then BAC would be subject to all applicable hazardous waste regulations.

Ohio EPA offers the following comment:

1. During the inspection of the exterior, west side your facility, underneath the outbuilding, white solid waste from the wastewater treatment system was observed on the ground. In addition, several overfilled, open rectangular tanks containing white solid waste were observed in the area. This area must be cleaned up and managed in a manner to prevent solid waste from contacting the ground.

BAC must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, BAC is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance may be submitted via the postal service or electronically to [frank.zingales@epa.ohio.gov](mailto:frank.zingales@epa.ohio.gov).

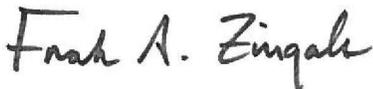
BEDFORD ANODIZING CO.  
MAY 14, 2013  
PAGE - 6 -

Please be advised that the violations cited above will continue until the violations have been properly abated. Failure to comply with ORC Chapter 3734 and the rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, BAC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance. Due to the nature of the violations, BAC has been referred to the Ohio Attorney General's Office.

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales  
Environmental Specialist  
Division of Materials and Waste Management

FAZ:ddw

Enclosures

ec: Wade Balsler, ER, NEDO  
Phil Rhodes, DSW, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Frank Popotnik, DMWM, NEDO  
Marlene Kinney, DMWM, NEDO  
Mitch Mathews, DMWM, CO  
Jeff Mayhugh, DMWM, CO  
Elissa Miller, DMWM, Legal, CO  
Timothy Kern, AGO



NOTICE OF VIOLATION

Division of Emergency and Remedial Response

Date of Discovery: 4/11/13
Incident Number: 1304-77-0778

SUBMIT INQUIRIES TO:
Ohio EPA-DERR
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049

To: BEDFORD ANODIZING CO 7860 Empire Pkwy, Macedonia OH 44056
(Company/Individual name) (Address) (City, State, Zip Code)

This is to advise you that due to the circumstances noted below you are in violation of one or more of the following chapters of the Ohio Revised Code:

- 3704, 3714, 3734, 3750, 6109, 6111 (with checkboxes and handwritten marks)

Description of the violation(s):
OSC notified of high pH liquids discharging to ditch by Ohio EPA DMWM. OSC observed and confirmed presence of high pH liquids discharging from facility to ditch. The release of high pH liquid is a violation of ORC 6111 for discharge to "waters of the state". Facility failed to report release per ORC 3750 to Ohio EPA, local EMA/LEP, and fire department.

Violation of any of the laws or regulations cited above may result in civil penalties, fines, and/or imprisonment. Penalties are listed on the back of this form. Each day of each violation is a separate offense. Citation of a violation in this notice does not preclude the citation or existence of other violations. Notice of a violation is not a final action of the Director and is not necessary prerequisite to a violator's liability for or obligation to abate the violation.

Initial abatement actions to be taken (The State of Ohio is not liable for the success or failure or consequences of any abatement actions taken):

- Immediately perform the following:
1. Terminate release to waterway;
2. Contain and prevent migration of release(s) to/waterway
3. Remove high pH liquid and sludge from waterway
4. Properly dispose of all wastes in accordance with all applicable laws/reg;
5. Comply with notification per ORC 3750.

Ohio EPA reserves the right, pursuant to Chapters 3704, 3714, 3734, 3745, 3750, 6109 and 6111 of the Ohio Revised Code and any other applicable state or federal laws or regulations re require further site investigations and abatement to address release(s) of hazardous wastes, hazardous substances, industrial wastes or other wastes, pollutants or contaminants into the environment at the above designated site and to seek civil penalties, reimbursement of oversight costs, response costs, and any other appropriate legal or equitable relief for any violation of law.

By signing below the party acknowledges receipt of the Notice of Violation but does not admit the fact of or liability for the violation described:

Wade Balsor 4/15/13 216-789-9281
(OEPA representative) (Date) (Phone number)
Tom DeRose President 4-15-13
(Authorized representative) (Title) (Date)

Refused to sign
(Print name of Representative)

(Address) (City)
(State) (zip code) (Phone)



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

April 18, 2013

RE: BEDFORD ANODIZING COMPANY, INC.  
STORMWATER  
SUMMIT COUNTY

Mr. Tom DeWeese  
Bedford Anodizing Company, Inc.  
7860 Empire Pkwy  
Macedonia, Ohio 44056

Dear Mr. DeWeese:

On April 16, 2013 this writer along with Wade Balsler, Ohio EPA, Division of Environmental Response and Revitalization, conducted an inspection of your site located at 7860 Empire Pkwy, Macedonia, Summit County. The purpose of this writer's inspection was to determine compliance with Ohio Revised Code 6111. It had come to our attention from Frank Zingales, Division of Materials and Waste Management, that there has been another discharge from your facility to the drainage way on the east side of your building. Upon inspection this was confirmed. Pollutants associated with the anodizing process are escaping the containment dike system and flowing down the side of the east wall and eventually entering the adjacent swale that connects to waters of the state of Ohio.

Please be advised that allowing pollutants from your facility to enter the swale without a permit is a violation of Ohio Revised Code 6111.04. The discharge must be immediately terminated. The residual materials from the anodizing operation or any other pollutants must not be allowed to exit the building and enter the swale.

In addition, you do possess the Industrial Multi-Sector General Permit. Your permit number is 3GR01776\*AG. The permit is available for viewing at the following web-site:

[http://epa.ohio.gov/portals/35/permits/IndustrialStormWater\\_Final\\_GP\\_dec11.pdf](http://epa.ohio.gov/portals/35/permits/IndustrialStormWater_Final_GP_dec11.pdf)

Please read it carefully as there are a number of requirements such as completing a Storm Water Pollution Prevention Plan (SWPPP), benchmark monitoring and reporting. During the visit, I requested to view the SWPPP. You stated that it had not been completed. This is a violation of the General NPDES Permit 3GR01776\*AG, Section 5, for failure to prepare a SWPPP prior to obtaining the NPDES permit. Please be advised that violations of the General Permit and discharging unauthorized pollutants to waters of the state are subject to civil and monetary penalties as allowed under Ohio Revised Code 6111.99.

BEDFORD ANODIZING COMPANY, INC  
APRIL 18, 2013  
PAGE 2 OF 2

If you should have any questions concerning this letter, feel free to contact this writer at (330) 963-1136 or by e-mail [phil.rhodes@epa.oh.gov](mailto:phil.rhodes@epa.oh.gov).

Sincerely,



Philip P. Rhodes, P.E.  
Environmental Specialist II  
Division of Surface Water

PPR/cs

cc: Frank Zingales, Ohio EPA, NEDO, Division of Materials and Waste Management  
Donna Kniss, Ohio EPA, NEDO, Division of Surface Water

ec: Wade Balser, Ohio EPA, Division of Environmental Response and Revitalization

File: Industrial Pretreatment - Stormwater/Industrial

Bedford Anodizing Co. - Macedonia					
April/May 2013					
Ohio EPA-DMWM Inventory					
INTERIOR TANKS					
Tank No.	Contents	Capacity (Gallons)	Amount	Gallons	Comments
1	Spent Acid	4000	Full	4000	
2	Spent Alkali	4500	Full	4500	
3	Spent Acid	1620	3/4 Full	1215	
4	Spent Acid	2000	Unable to Determine		
5	Spent Acid	2000	Full	2000	
6	Spent Acid	3800	Full	3800	
7	Spent Acid	3800	Full	3800	
8	Spent Acid	3000	1/2 Full	1500	
9	Spent Acid	3900	Full	3900	
10	Spent Alkali	1500	3/4 Full	1125	
11	Spent Alkali	1200	>3/4 Full	900	
12	Spent Alkali	1400	>3/4 Full	1050	
Not Numbered	Alkali Rinse Water	4000	Full	4000	Open top, rectangular tank, steel construction.
Not Numbered	Alkali Rinse Water	4000	Full	4000	Open top, rectangular tank, steel construction.
Not Numbered	Alkali Rinse Water	4000	Full	4000	Open top, rectangular tank, steel construction.
Not Numbered	Alkali Rinse Water	2000	Full	2000	Open top, rectangular tank, steel construction.
Not Numbered	Alkali Rinse Water		Unable to Determine		2 - Round bottom tanks, plastic construction.
Not Numbered	Alkali Rinse Water		Unable to Determine		2 - Cone bottom tanks, plastic construction. Leaking
Not Numbered	Treated Alkali for Neutralization	Varies	Varies		6 - Open top, rectangular tank, steel construction.
			Spent Acid-Total	20215	
			Spent Alkali-Total	21575	
INTERIOR CONTAINERS/DRUMS					
Designation	Contents	Quantity	Generation Date		
Lot 1	Alkali Waste	5, 55-gallon	9/9/2011		
Lot 1	Alkali Waste	5, 55-gallon	9/16/2011		
Lot 1	Alkali Waste	5, 55-gallon	9/23/2011		
Lot 3	Acid Waste	9, 55-gallon	9/9/2011		
Lot 4	Alkali Waste	6, 55-gallon	3/10/2011		
Lot 4	Alkali Waste	8, 55-gallon	3/24/2011		
Lot 4	Alkali Waste	9, 55-gallon	4/7/2012		
No Designation	Alkali Waste	~45, 55-gallon	1/8, 1/18 & 2/23/13		
No Designation	Alkali Waste	6, 55-gallon	3/16/2012		
No Designation	Alkali Waste	3, 55-gallon	April 2013		
No Designation	Alkali Waste	10, 55-gallon	April 2013		
No Designation	Alkali Waste	4, 55-gallon	April 2013		
No Designation	Alkali Waste	32, 55-gallon	April 2013		
EXTERIOR					
Frac Tank	Alkali Waste From Release Clean Up	~13,000-gallons	April 2013		